

REMARKS

This Amendment and Response to Final Office Action is being submitted in response to the final Office Action mailed August 7, 2007. Claims 1-21 are pending in the Application.

Claims 1-12 and 15-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Challenger in view of Ammon *et al.* (U.S. Pat. Pub. No. 2003017289).

Claims 13-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Challenger in view of Ammon *et al.*, as applied to Claim 1 above, and further in view of Won *et al.* (U.S. Pat. No. 6,754,488).

In response to these rejections, Claims 1, 19, and 21 have been amended to further clarify the subject matter which Applicant regards as the invention, without prejudice or disclaimer to continued examination on the merits. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments and the arguments presented herein, reconsideration of the Application is respectfully requested.

Claims 1-12 and 15-21 - §103(a) Rejection – Challenger and Ammon *et al.*

Claims 1-12 and 15-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Challenger in view of Ammon *et al.* (U.S. Pat. Pub. No. 2003017289).

Applicant respectfully submits that Ammon *et al.* do not teach tracking based upon a combination of operational and security assessments which identify the wireless device responsive to its behavior. Specifically, Ammon *et al.* teach tracking authorized and unauthorized access points and clients¹ and locating unauthorized devices.² However, Ammon *et al.* do not teach identifying the wireless device responsive to its behavior as

¹ U.S. Pat. Pub. No. 2003/0217289 ¶[0030]

² U.S. Pat. Pub. No. 2003/0217289 ¶[0031]

disclosed by Applicant. Specifically, Ammon *et al.* identifies authorized and unauthorized devices responsive to a database lookup of whether the device is known or unknown.³ Further, Ammon *et al.* specifically requires a user to perform assessments related to unauthorized devices. See, e.g., Paragraphs [0135] and [0136] where a user is required to perform the assessments by inserting comments for each unauthorized device. Respectfully, this is not “tracking based upon a combination of dynamic operational and security assessments derived using data from the system data store” as disclosed by Applicant.

Applicant discloses a combination of dynamic operational and security assessments which include signature-based tests, protocol-based tests, anomaly-based tests, and policy deviation-based tests. This is not a simple list of authorized/unauthorized devices which further requires user-input as taught by Ammon *et al.* Rather, Applicant automatically evaluates received data from each wireless device to make a dynamic assessment based on multiple tests without requiring a user to add her observation or analysis as required by Ammon *et al.*⁴ The signature-based tests are configured to recognize attack pattern sequences. The protocol-based tests examine whether protocol usage is legitimate. Anomaly-based tests analyze usage statistics and the like to determine anomalous behavior. Policy deviation-based tests compare observed activity against a set of stored activity rules. Applicant has amended the independent Claims to include all four of these tests in order to identify wireless devices for tracking. Applicant respectfully submits that Ammon *et al.* do not suggest or teach any or these tests, let alone all four in combination.

With regards to Claim 1, Applicant has amended Claim 1 to further clarify the dynamic operational and security assessments as signature-based tests, protocol-based tests, anomaly-based tests, and policy deviation-based tests based on the remarks discussed herein.

³ U.S. Pat. Pub. No. 2003/0217289 ¶[0108] – [0109]

⁴ U.S. Pat. Pub. No. 2003/0217289 ¶[0135] – [0136]

With regards to Claim 2, Applicant respectfully disagrees with Examiner that Ammon *et al.* teaches tracking criteria as disclosed by Applicant. Specifically, Ammon *et al.* distinguishes wireless devices solely based on whether they are authorized or not. See, e.g., Paragraph [0030] where Ammon *et al.* tracks authorized and unauthorized devices. This is not tracking based on criteria such as time, traffic level, threat level, protocol characteristics, usage characteristics or combinations thereof.

With regards to Claim 3, Applicant again respectfully disagrees with Examiner that Ammon *et al.* dynamically determines tracking criteria. As discussed above, Ammon *et al.* requires user input to the authorized and unauthorized device database for the user to fill in her “observation and analysis.”⁵ This is not a dynamic determination.

With regards to Claims 2-12 and 15-18, these Claims depend from Claim 1 or an intervening Claim, and therefore the amendments and remarks provided herein with regards to Claim 1 apply with equal force here.

With regards to Claims 19 and 21, Applicant has amended Claim 19 to further clarify the dynamic operational and security assessments as signature-based tests, protocol-based tests, anomaly-based tests, and policy deviation-based tests based on the remarks discussed herein.

Based on the amendments and arguments presented herein, Applicant respectfully submits that the rejection of Claims 1-12 and 15-21 as being unpatentable over Challenger in view of Ammon *et al.* has now been traversed. Therefore, withdrawal of this rejection is respectfully requested.

⁵ U.S. Pat. Pub. No. 2003/0217289 ¶[0135] – [0136]

Claims 13-14 - §103(a) Rejection – Challener, Ammon *et al.*, and Won *et al.*

Claims 13-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Challener in view of Ammon *et al.*, as applied to Claim 1 above, and further in view of Won *et al.* (U.S. Pat. No. 6,754,488). Claims 13-14 are dependent claims depending from Claim 1 or an intervening dependent claim. Therefore, the amendments and arguments presented herein apply with equal force here. Applicant respectfully submits that the rejection of Claims 13-14 has now been traversed. Therefore, withdrawal of this rejection is respectfully requested.

CONCLUSION

Applicant would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

Date: September 21, 2007

/s/ Lawrence A. Baratta Jr.
Lawrence A. Baratta Jr.
Registration No.: 59,553

Christopher L. Bernard
Registration No.: 48,234

Attorneys for Applicant

CLEMENTS | WALKER
1901 Roxborough Road, Suite 300
Charlotte, North Carolina 28211 USA
Telephone: 704.366.6642
Facsimile: 704.366.9744
lbaratta@worldpatents.com